



**DEPARTMENT OF FORESTRY AND FIRE PROTECTION
OFFICE OF THE STATE FIRE MARSHAL**

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**Office of the State Fire Marshal
Aboveground Petroleum Storage Act (APSA) Advisory Committee**

Meeting Minutes

Meeting Date: December 14, 2017
Meeting Time: 9:00 a.m. – 11:30 a.m.
Via Web Conference/Teleconference

Staff Present:

Jennifer Lorenzo, Senior Environmental Scientist, Committee Chair
Glenn Warner, Senior Environmental Scientist
Joann Lai, Environmental Scientist

Members Present:

James Carver, Southern California Fire Prevention Officers (FPO)
Rich Erickson, Donlee Pump Company
David Harris, Donlee Pump Company
Craig Fletcher, Fletcher Consultants, Inc.
Michael Huber, U.S. Department of the Navy
Michelle Le, Pacific Gas & Electric (PG&E)
Patrick Wong, PG&E
Vince Mendes, Fresno County Environmental Health Certified Unified Program Agency (CUPA)
Ernie Medina, Bakersfield Fire Department CUPA
Stacey Miner, Walmart
Sande Pence, San Diego County Environmental Health CUPA
Nancy Schlotthauer, San Bernardino County Fire District CUPA
Randy Sawyer, Committee Co-Chair, Contra Costa County Hazardous Materials CUPA
Todd Tamura, Tamura Environmental, Inc. (Consultant to Western States Petroleum Association [WSPA])
Jim Whittle, Shasta County Environmental Health CUPA
Wayne Geyer, Steel Tank Institute (STI)
Janice Witul, U.S. Environmental Protection Agency (US EPA)
John Paine, California Environmental Protection Agency (CalEPA)

Guests Present:

Devra Lewis, Contra Costa County Hazardous Materials CUPA
Cory Hootman, State Water Resources Control Board
Jeremy Gates, Riverside County Environmental Health CUPA
Kathleen Estrada, Riverside County Environmental Health CUPA
Justin Tao, San Bernardino County Fire District CUPA
Christina Graulau, U.S. Department of the Navy

Members Absent:

Armand Delgado, Verizon Wireless
Cherrie Fisher, AT&T
Tom Ellison, Kern County Fire Department
Ryan Hanretty, California Independent Oil Marketers Association (CIOMA)
Jason Rizzi, Northern California FPO
Emily Richter, Northern California FPO

I. Call to Order

Committee Chair, Jennifer Lorenzo, called the meeting to order at 9:03 a.m. and welcomed everyone to the meeting.

II. Roll Call and Introductions

Ms. Joann Lai conducted the roll call and it was determined that a quorum was present. Attendees and guests introduced themselves.

III. Approval of Minutes

Minutes from the meeting on May 2, 2017, were reviewed. No changes were made. Mr. James Carver motioned to approve the minutes and Mr. Vince Mendes seconded the motion. The Committee Co-Chair, Randy Sawyer, abstained from voting on the minutes due to his absence in the May 2017 meeting, while all other members that were present were in favor and none opposed.

IV. Review of Action Items from May 2, 2017

Ongoing Action Items

1. APSA Frequently Asked Questions (FAQ)
2. Petroleum Definition
3. APSA Regulations and Timeline

Completed Action Items

1. APSA Basic Inspector Training
2. APSA Violation Library

V. Old Business

A. Tanks in Underground Areas

No public comments were received for the fire code proposals regarding tanks in underground areas (TIUGA) for the 2016 Intervening Code Cycle. All the fire code proposals for TIUGAs have been adopted by the California Building Standards Commission (CBSC) in mid-August of 2017.¹

The new fire code requirements become effective July 1, 2018. The full definition of a TIUGA will also become effective July 1, 2018. The Department of Forestry and Fire Protection (CAL FIRE) – Office of the State Fire Marshal (OSFM) has started developing another guidance document to assist businesses and regulators (Unified Program Agencies). OSFM has been in coordination with the State Water Resources Control Board (State Water Board) and discovered the need to address TIUGA systems with less than 55 gallons in shell capacity. Under the APSA program, the *de minimis* container size is 55 gallons in shell capacity, which is consistent with the Federal Spill Prevention, Control, and Countermeasure (SPCC) requirements. However, there is no *de minimis* container size in the underground storage tank (UST) program. OSFM and State Water Board had separate legal reviews of the APSA statute and both reviews had different interpretations of Health and Safety Code (HSC) Section 25270.2(a). Per the CAL FIRE's Legal Office, the APSA program regulates tanks or containers that are 55 gallons or more and OSFM wants to remain consistent with the Federal SPCC rule regarding the *de minimis* container or tank size of 55 gallons. The Committee Chair asked the committee members their opinion on whether containers that are less than 55 gallons should be regulated under UST or APSA.

Mr. Corey Hootman explained that through the State Water Board's legal review, they interpreted HSC Section 25270.2(a) to have no specific capacity requirement for TIUGAs. The State Water Board believed that TIUGAs are interpreted as and would be regulated as aboveground storage tanks (AST), regardless of size. The State Water Board does not know how many systems fall into this category of less than 55 gallons.

Mr. Craig Fletcher informed the committee that smaller day tanks located in basements can be smaller than 55 gallons. Some manufacturers make tanks as small as 10 gallons for day tank purposes.

¹ Refer to the CBSC website at <http://www.bsc.ca.gov/Codes.aspx> for more information on the 2016 triennial edition. Scroll down to Part 9 – California Fire Code and click on the supplement document.

APSA Advisory Committee
Meeting Minutes – December 14, 2017

Mr. Todd Tamura asked if a TIUGA includes small portable tanks, equipment or containers. Mr. Hootman responded that the UST program does not regulate 55-gallon drums or non-stationary storage tank systems.

Ms. Stacey Miner commented that their facilities have oil filter crushers that are attached to 25-gallon tanks. Mr. Hootman believes that there may also be oil-filled equipment with less than 55 gallons in capacity.

The Committee Chair mentioned that there were proposed legislation concepts discussed by the TIUGA workgroup to exclude certain types of tank systems if the facility's storage capacity is less than 1,320 gallons of petroleum. For example, heating oil tanks and closed-loop hydraulic lift systems (such as elevators) would be excluded. Additionally, the definition of a TIUGA would also be specific to stationary or fixed systems, so portable tanks or portable containers are not regulated. These are currently legislation proposals.

Mr. Hootman asked if regulating smaller tank systems (with less than 55 gallons) under the APSA program would be problematic. Mr. Tamura responded that it would be odd to regulate smaller tank systems under APSA. Mr. Hootman mentioned that if these systems are not regulated as TIUGAs under APSA, then smaller tank systems with less than 55 gallons will continue to be subject to the UST program, including vacuum, pressure or hydrostatic (VPH) monitoring requirements and all other applicable UST requirements. Ms. Miner would prefer that the smaller tank systems be regulated under APSA, instead of the UST program. Mr. Jim Whittle mentioned that the options for a smaller tank system owner/operator are to comply with UST requirements or comply with a scaled down version of SPCC Plan requirements under APSA. Mr. Whittle added that the owner/operator would choose to comply with the SPCC Plan instead of the UST requirements.

The Committee Chair stated if we want to regulate TIUGAs storing less than 55 gallons under the APSA program, then a legislative change is necessary.

Mr. Tamura asked the Committee Chair to email the committee members a specific question on whether or not TIUGAs with less than 55-gallon shell capacity should be regulated in the UST program or the APSA program.

Mr. Whittle asked if there are any exemptions in place in the UST program. Mr. Hootman responded that there are explicit exemptions from the UST definition, such as 55-gallon drums. Mr. Whittle mentioned that the exemptions for the UST program should also be applicable to those for TIUGAs. Mr. Hootman stated that it was also not the intent to create more regulated tank systems [with Senate Bill 612 (Jackson, Statutes of 2015)].

Ms. Sande Pence asked if the phrase "except that" within the definition of an AST in HSC Section 25270.2(a) is why the State Water Board believes that TIUGAs are

not subject to the 55-gallon minimum capacity threshold for an AST. Mr. Hootman confirmed Ms. Pence's question.

Mr. Fletcher mentioned that he does not believe that the original intent of APSA was to regulate smaller tank systems with tiny amounts of petroleum. However, Mr. Hootman repeated that now there are smaller tank systems with even lower risk due simply to size (capacity) that will be required to meet more stringent requirements of the UST program, if they are not regulated under the APSA program.

Mr. Mike Huber asked whether the TIUGA subcommittee had discussed this issue. The Committee Chair answered that this issue was not discussed and the TIUGA working group had not looked at systems with less than 55 gallons, because APSA explicitly states the minimum threshold of 55 gallons. The issue came about when OSFM was developing the updated guidance document for TIUGAs and Mr. Hootman commented on the draft guidance that UST does not have a minimum tank size written in their statute or regulation. Mr. Huber mentioned that it would be good to identify and provide examples of systems that have less than 55 gallons. Ms. Pence provided two good examples – a day tank that is less than 55 gallons that is connected to an emergency generator and a stationary tank that is attached to an oil filter crusher at an oil change facility. Oil change facilities have 25-gallon stationary tanks to collect used oil from the oil filter crushing process. These systems are currently subject to the UST requirements and will continue to be subject to UST requirements if they are not subject to APSA's definition of TIUGA with the 55 gallons or more threshold. After Ms. Pence's explanation, Mr. Huber believed smaller TIUGAs should also be considered as an AST regulated under APSA, instead of the UST program. Ms. Pence prefers these smaller tank systems as ASTs under APSA and believes many CUPAs have not imposed the UST requirements on stationary tanks and oil-filled equipment in underground areas.

Once the Committee Chair receives feedback from the advisory committee, she will ask the TIUGA working group to reconvene and propose changes to APSA.

Mr. Hootman provided information on flowcharts that the State Water Board developed in late 2015 for TIUGAs, which are accessible on the State Water Board's website (https://www.waterboards.ca.gov/water_issues/programs/ust/tech_notices/docs/sb612_20151204.pdf). A link to these flowcharts is also provided on the OSFM APSA website (<http://osfm.fire.ca.gov/cupa/apsa>). There are three different flowcharts that specify the implementation dates and requirements for TIUGAs.

Mr. Hootman was asked if the Federal UST requirements specify any minimum threshold. The Federal UST program excludes TIUGAs and Mr. Hootman is not aware of any capacity requirement in the Federal UST requirements.

The Committee Chair asked whether it was possible to look at exclusions, similar to oil-filled electrical equipment, for TIUGAs with less than 55 gallons. For example, a TIUGA with less than 55 gallons would be recognized under APSA; however, it would be excluded as an AST due to low risk, would not be required to meet APSA requirements (such as preparing and implementing an SPCC Plan), and only be required to meet certain conditions similar to the oil-filled electrical equipment exclusion conditions as described in APSA. Mr. Hootman believes that it may be possible to recognize TIUGAs with less than 55 gallons as an AST in APSA, provided they meet certain conditions, but not be subject to the rest of the APSA requirements.

The Committee Chair asked the Committee Co-Chair about where the CUPA Forum Board is in terms of legislation change proposals. Mr. Sawyer provided a summary. The CUPA Forum Board was unable to find an author in the last legislative cycle. Using the same legislative proposal from last year, the CUPA Forum Board is still trying to find an author. The Committee Co-Chair also mentioned that there is a possibility to include language in this current cycle regarding these smaller tank systems.

B. APSA Training

The online APSA training was finalized in early November. OSFM has been meeting with their contractor from May to November to complete the course and have it available to Unified Program Agencies (UPA). There are approximately 48 individuals currently enrolled in the online course. An additional course has been developed, which is an exam only course for students that took the live training class but failed their first attempt at the exam. They will have additional attempts to pass the exam for a total of three attempts. There were two other traditional classroom trainings since the last committee meeting. One was held in San Diego which was well attended and an additional classroom training was held in Santa Barbara for the CUPA's own staff and inspectors. There were students from these traditional classroom trainings that did not pass the exam.

OSFM needs to address and develop a policy for students that fail the exam three times. Currently, the policy is that the students have three attempts to take the exam. There is a total of 70 questions [which includes most of the questions from the original APSA inspector training in 2009 and the online training previously offered by San Diego County CUPA since 2010] and the passing grade increased from 70 to 80 percent. The majority of those who took the online course passed the exam. However, there are about 4 people to date who failed the exam twice and will be taking the exam for the third time. The Committee asked the committee members for suggestions and feedback on how to move forward with students that do not pass the exam after three attempts.

Mr. James Carver suggested that OSFM should mimic International Code Council's test procedure where students wait six months for the last attempt. He

suggested that OSFM continue the current policy of having three attempts for students to take the exam, and after the third attempt, the student would have to wait six months before retaking the exam. Those students would only have to take the exam again (after six months) and do not have to retake the entire course. If there are students who do fail more than four times, OSFM may need to consider looking at a case-by-case basis and potentially provide additional training if needed.

The Committee Chair mentioned that if other CUPAs are interested in administering the APSA inspector training, OSFM is more than willing to provide them with the training materials, including PowerPoint presentations, narratives, course materials, etc. The online training is open to the Unified Program Agency staff members only, but the public can find free training on the San Diego County CUPA website (https://www.sandiegocounty.gov/deh/hazmat/hmd_apsa/hmd_apsa_inspector_training.html). There are also trainings available in the upcoming CUPA conference in February 2018.

C. Regulations

The Committee Chair informed the committee that she is still working on the regulations and has not finished this assignment due to other priorities during the past couple of months, including the online training, CUPA evaluations, TIUGAs, and responding to Public Records Act (PRA) requests. She is still working on the updates that were proposed in the last committee meeting in May, including the fiscal impacts. The Committee Chair will be contacting the industry again to get a cost impact of this proposed regulation. No other changes have been made since last April. A timeline will be created once all the documents for the APSA program rulemaking package is near completion.

The Committee Chair asked if the committee members wanted to make additional changes to the draft proposed regulations. No additional edits were proposed by the committee members. The initial statement of reasons also needs to be updated, including clearly stating that proposed Section 2180.00 does not specifically require an inspection by an UPA inspector.

D. Frequently Asked Questions (FAQ)

Mr. Glenn Warner provided an update on the APSA FAQ. The FAQ will include the subject on TIUGAs, which will slow down the completion of the document. The FAQ will also include information regarding petroleum definition. There is progress and Mr. Warner hopes to have the FAQ be reviewed by OSFM staff before obtaining feedback from interested committee members or other stakeholders.

E. Petroleum Definition

Ms. Joann Lai provided an update on the petroleum FAQ. The working draft of the petroleum FAQ is mostly derived from the previous APSA FAQ. It will provide a short list of what is and what is not regulated under APSA. Ms. Lai asked whether there were other topics in the petroleum FAQ that needs to be included.

The Committee Chair mentioned that the OSFM is required by statute to develop regulations that ensure consistency with the Federal SPCC rule. It is believed by many people that APSA only regulates conventional petroleum products such as crude oil, gasoline and certain types of fuel mixtures such as biodiesel blends (B20, B99) and renewable diesel blends. CUPAs are divided on the petroleum products that should be regulated under APSA and whether APSA should only regulate conventional petroleum products. There is no explicit minimum percentage threshold. Instead, for consistency with the Federal SPCC rule, OSFM recommends using the “sheen rule”, which means that if a product ever gets released into navigable water, the product creates a sheen, sludge, or emulsion. For purposes of consistency with the Federal SPCC rule, the Chair believes it is best for OSFM to continue this method of determining the petroleum products regulated under APSA.

Mr. Todd Tamura suggested developing a regulation that is clear rather than applying the “sheen rule” to instances where facilities have mixtures with small amounts of petroleum. The Committee Chair provided the definition of petroleum from HSC Section 25270.2(h), which states “petroleum” means crude oil, or a fraction thereof, that is liquid at 60 degrees Fahrenheit temperature and 14.7 pounds per square inch absolute pressure.” It’s the owner or operator’s responsibility to determine what needs to be included in their SPCC Plan. From a CUPA’s perspective, there may be products that should be included but are not in the plan.

Mr. Glenn Warner believes that this discussion is leading to the intent of verification of SPCC Plan elements and, hence, OSFM deferred to the Federal definition because it is difficult to consider superseding SPCC Plan requirements and creating separate rules.

Mr. Tamura stated that we may as well use the Federal definition to the extent that there are different requirements provided under APSA.

The Committee Chair asked US EPA about the definition of petroleum under the SPCC rule. A major difference is that petroleum under APSA must be liquid at 60 degrees Fahrenheit. Ms. Janice Witul mentioned that being a liquid is not included in the definition of petroleum under the SPCC rule. Petroleum oil, under the SPCC rule, means petroleum in *any* form, including but not limited to crude oil, fuel oil, mineral oil, sludge, oil refuse, and refined products.

Mr. Tamura recalled that when Mr. Mike Vizzier was a member on this committee, he stated there are several products, including ink, that typically, a facility owner or operator would not associate as a petroleum product. However, the safety data sheet for the product indicates that it contains petroleum. Ms. Witul stated that there is no *de minimis* amount for oils. Similarly, the Committee Chair stated that there is no *de minimis* concentration of petroleum that is regulated under APSA.

Mr. Tamura asked if denatured ethanol is a petroleum product under APSA. The Committee Chair confirmed that E80, E85, E90 are petroleum products regulated under APSA.

Mr. Craig Fletcher asked whether storm water is included in the definition of petroleum. Committee Chair answered that it wasn't. However, Mr. Fletcher stated that the old APSA FAQ implied that storm water would be regulated as petroleum product under APSA.² Mr. Fletcher's own interpretation of petroleum oil, as defined in the Code of Federal Regulations, Title 40, Section 112.2, is geared more toward oil of any kind or form, but not traces of oil. Mr. Tamura stated US EPA's guidance document excludes wastewater, which may have small amounts of oil. The Committee Chair stated that it's all about the liability of whether to include a product in the SPCC Plan. There are also petroleum oils/products that do not create a sheen, sludge, or emulsion, such as flocculant that is used in water treatment.

Ms. Sande Pence wanted to restate that the APSA program was intended for conventional petroleum, which is also a reason why we do not consider the facilities posing a threat to navigable water. Ms. Pence does not believe that using CUPA resources and charging CUPA fees to inspect non-conventional products is an effective use of resources.

Mr. Tamura stated that there is a significant impact on the scope of the program that an FAQ cannot address. Mr. Fletcher also mentioned that the costs need to be considered if you're including products with any concentration of petroleum in it. Mr. Fletcher agreed with Ms. Pence's statement and also mentioned that this needs to be addressed carefully.

The Committee Chair asked whether they wanted clarification in the statute or proposed regulations. OSFM thought the best approach was to create a guidance document to clarify the definition of petroleum but it seems that the committee wants a change in statute for clarification. OSFM is not interested in

² The original APSA FAQ was developed by a working group in 2009 and revised in 2011, prior to OSFM overseeing the APSA program. The 2009 or 2011 APSA FAQ was not reviewed by any state agency's legal office. OSFM requested CUPAs to redact the old APSA FAQ, when OSFM became responsible for overseeing the APSA program; there may be one CUPA with the old APSA FAQ posted on their website but with various sections blackened out.

redefining petroleum by including a minimum percentage threshold, which would require a legislative change, but both Mr. Tamura and Mr. Fletcher prefer a clearer definition. Mr. Fletcher also indicated that there should be a study to indicate the ramifications of the change in petroleum definition.

Mr. Jim Whittle stated there are a lot of CUPAs that have already been trained [since at least 2009] in that petroleum under APSA not only includes conventional petroleum products but other petroleum products. Mr. Whittle cannot understand why it's taken these many years for people to question that other non-conventional petroleum products are being regulated under APSA. Mr. Whittle asked why there's such a huge problem now.

Members stated the old APSA FAQ was only a guidance document developed by a working group without the oversight of a state agency. Ms. Pence also stated there were some misinterpretations of the statute in the old FAQ.

However, Mr. Whittle stated that the petroleum information in the old FAQ is more in line with the Federal SPCC rule's definition of petroleum. CUPAs are tasked with multiple inspections, must make decisions if something is regulated and determine if a facility is regulated under APSA. Several CUPAs are already regulating other petroleum products in addition to conventional petroleum products for years now. If CUPAs begin to separate petroleum products now, then those products are still regulated under the Federal SPCC rule. There will be facilities that will no longer be subject to APSA. Mr. Whittle felt that going farther away from the Federal definition of petroleum is tricky, difficult, and that it would not be in the right direction.

Mr. Warner expects that the petroleum FAQ will remain consistent with the US EPA's definition of petroleum in that there is no *de minimis* concentration and using the "sheen rule" is the key criteria in determining the petroleum product's applicability. For issues beyond the scope of petroleum in APSA, it may have to be addressed through ongoing discussion and lead to a change in the statute for further clarification.

F. APSA Violation Library

Mr. Glenn Warner gave an update on the APSA Violation Library. The 2017 CERS Violation Library update occurred since the last meeting. There were some issues that delayed the implementation by a few months, but has been in effect since November 1, 2017. Mr. Warner deferred to Mr. Jim Whittle regarding the CUPA Forum Board checklists.

Mr. Whittle explained that when the CERS Violation Library is updated, they take the changes from the library and update the spreadsheets that are used by Envision, Digital Health Department Inc. (DHD), and other vendors that use the library to create an electronic checklist within their system. Creating the

electronic checklists within those software systems are the primary goal. The electronic checklists contain additional information that the CERS Violation Library does not cover to define an inspection item, organize the violation items into groups with headings and subheadings, and assign which program type the violation may apply to, so the list is specific to a certain type of facility, such as a Tier I or Tier II qualified facility, or a full SPCC Plan facility. The intent is to be able to complete an inspection easier using an organized checklist compared to using the CERS Violation Library that is not organized in the order that CUPAs find practical for field inspections. Then Microsoft Word versions of the electronic checklists were also developed by the CUPA Forum Board and made available to the public. Last year, the APSA checklists were updated. This year, Mr. Whittle did not intend on updating the APSA checklists, but developed updated checklists using the Excel spreadsheet format. The Excel checklists, which are editable, were provided to Mr. Warner and the APSA Technical Advisory Group (TAG) members.

Mr. Warner asked if the updated checklists can be fully implemented by all CUPAs that use Envision or if there are problems in implementing the updated checklists. Mr. Whittle does not use Envision. The checklists should be usable by all Envision users. Some CUPAs host it themselves and some other CUPAs have Accela host it for them. There are different versions with various customizations that would be affected; you cannot update all Envision users to use the updated checklists all at once.

Mr. Jeremy Gates explained that a lot of customization happens with each CUPA. When Accela releases a package, the CUPA implements it however they see fit for the non-hosted client; this means the CUPA has its own server to host it. Then there's expansive testing that happens prior to implementing and that is a reason why a lot of CUPAs shy away from the statewide checklist. The ones that are hosted generally has less customization, but also means less work for the CUPA. There is still a delay due to the testing process by each CUPA. Each CUPA utilizes a different version with a different layout; so, a "one size fits all" approach is nearly impossible across the state.

The Committee Co-Chair stated that each CUPA is not required to utilize the CUPA Forum Board checklists or the checklists created for Envision users; they can create their own.

The Committee Chair mentioned that the provisions for TIUGA will need to be added to the violation library for next year since the provisions will be effective by that time. Mr. John Paine mentioned that the Violation Library Workgroup will reconvene to work on the updates for the 2018 version, but there will be no subgroups working on the updates.

Ms. Sande Pence asked how the non-fire CUPAs can implement the provisions of TIUGA if it is part of the fire code. The CUPAs have the authority to implement

the requirements of APSA in the Health and Safety Code. The Committee Chair answered citing the applicable Health and Safety Code and referencing the applicable fire code for violations of the TIUGA provisions in the fire code. Similarly, CUPAs implement and enforce APSA by citing the appropriate Health and Safety Code and then referencing the applicable Federal SPCC Rule for SPCC Plan violations.

VI. New Business

A. OSFM Program Staffing & Relocation

Ms. Joann Lai is the new OSFM Environmental Scientist since mid-August. Ms. Lai will continue to be trained on various tasks, including CUPA evaluations and also various administration tasks on the APSA online training course. Now that OSFM is fully staffed, OSFM will start planning on conducting tag-along APSA inspections with CUPA staff during the CUPA evaluations.

The OSFM 'CUPA' program relocated outside of the downtown area in Sacramento, but there is another scheduled relocation which will occur in 2018.

B. Membership

There are two memberships that are vacant on this committee. We currently have no representative for farms. The committee chair will follow up with Jim Houston of the California Farm Bureau Federation. The other vacancy is from a fire district. The Committee Chair is unsure if Mr. Robert Marshall of Contra Costa County Fire Protection District will continue his membership. The original intentions were to include a fire department with refineries or other complex APSA tank facilities. El Segundo Fire Department has refineries within his jurisdiction and is represented by Mr. James Carver [who also represents the Southern California FPO]. This committee appears to have sufficient representation from the fire service community. However, the Committee Chair asked if an additional fire service representative should be represented on the committee and if any member knows of anyone interested in becoming a member.

C. US EPA Update

Ms. Janice Witul indicated that there were no updates from US EPA.

D. STI Update

STI will finalize the most recent edition of SP001 standard next month. SP001 will be discussed at the CUPA conference in February 2018 and Ms. Dana Schmidt of STI will present the new edition of the SP001 standard.

Mr. Craig Fletcher mentioned that there will be an SP001 certified inspector training class on March 12-16, 2018, in Walnut Creek.

E. APSA TAG

Mr. Jim Whittle provided an update on the APSA TAG. There was an APSA TAG meeting last week and the minutes were sent out to the TAG members. Some clarifications were discussed. The next meeting will be at the CUPA conference in February 2018.

VII. Open Forum and Public Comments

A. APSA Applicability (Health and Safety Code Section 25270.3)

Ms. Sande Pence described her discoveries from teaching the APSA Basic Inspector Training in Santa Barbara regarding the applicability section in HSC Section 25270.3. She described an example facility with a 500-gallon gasoline tank and a huge amount of vegetable oil (non-petroleum oil). The facility is subject to APSA because it is subject to the Federal SPCC Rule as indicated by the first subsection (HSC Section 25270.3(a)). Ms. Pence suggested that the phrase similar to that found in subsection (b) should be included in subsection (a) (1,320 gallons or more of petroleum) for clarity.

The Committee Co-Chair proposed to remove subsection (b) and make subsection (b) part of (a). This change would pose a problem as well, because removing subsection (b) meant that the program would not be regulating facilities that did not pose a threat to navigable water. As an example, we would not be regulating facilities in the desert if subsection (b) was removed. Mr. Patrick Wong asked to remove (a) instead, and the Committee Chair responded that we wouldn't be regulating Federal facilities anymore if subsection (a) is removed. Ms. Michelle Le suggested merging subsections (a) and (b) together; however, this means facilities that are not near or pose a threat to navigable water would not be regulated – which is not the intent of APSA. The intent of APSA was to regulate facilities, regardless of location and the term navigable water is still being changed at the national level. Mr. Mike Huber suggested not changing subsection (a).

Mr. Craig Fletcher posed an example where a facility only has oil-filled electrical equipment that was over 1,320 gallons. This facility is subject to the Federal SPCC rule, and therefore subject to APSA but also exempted from APSA itself. The Committee Chair explained that 'tank facility' is included in the applicability section (HSC Section 25270.3) and, in the definition of a tank facility, there must be at least one AST that is subject to APSA in order for the tank facility to be regulated under APSA.

OSFM will send out an email to notify and ask the members for their opinions on this matter.

B. APSA Online Training Refresher

Ms. Sande Pence asked if UPA inspectors or staff, who already have their APSA certification, could take the online course as a refresher. The Committee Chair answered that interested inspectors or staff may take the online course as a refresher and register by sending an email to cupa@fire.ca.gov. In the email, include their name, phone number, supervisor, and the UPA they work for. Although there is currently no website for registration instructions, OSFM will have one in the future. Ms. Pence encouraged other UPAs to take the course again, because it greatly benefited her working knowledge of the APSA program.

VIII. Action Items

1. APSA FAQ
2. Petroleum FAQ
3. APSA Regulations and Rulemaking Timeline
4. TIUGA Question – Send committee members a brief email regarding containers with less than 55 gallons of petroleum in an underground area, and whether these systems should be regulated under UST or APSA program
5. APSA Applicability Question – Send committee members an email about the applicability section in APSA

IX. Schedule Next Meeting and Adjourn

The Committee Chair will send out a “Doodle” poll to the members to determine the best available date for the next committee meeting.

The meeting was adjourned by the Committee Chair at 11:00 a.m.